

CHAPTER 1128

APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS

S.F. 2071

AN ACT relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
CORRECTIONS — APPROPRIATIONS**

UTILITY EXPENDITURES — APPROPRIATION REDUCTIONS

**Section 1. STATE AGENCY UTILITY EXPENDITURES.*

1. For the purposes of this section, “department” or “agency” does not include a state department or agency receiving a supplemental appropriation for the fiscal year beginning July 1, 2011, pursuant to an enactment by the Eighty-fourth General Assembly, 2012 session, the state board of regents and the institutions under the control of the state board, or the judicial branch.

2. a. For the time period beginning on the effective date of this section through June 30, 2012, each state department and agency shall be subject to a limitation on expenditures for utilities made by the department or agency on or after the effective date of this section.

b. The overall dollar amount of the limitation shall be equal to \$1,000,000 and shall be applied to the unexpended or unencumbered amount that a department or agency has budgeted or otherwise designated for purposes of utilities from the appropriations made to the department or agency from the general fund of the state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as of the effective date of this section.

3. The appropriations to which the expenditure limitation required by this section are attributed shall be reduced in proportion to which a department or agency budget for utilities bears to the overall amount budgeted by the affected departments and agencies for utilities. Within 30 days of the enactment date of this section, the department of management shall apply such appropriation reductions and shall submit a report to the general assembly and legislative services agency itemizing the expenditure and appropriation reductions applied.*

MEDICAID APPROPRIATION REDUCTION

Sec. 2. 2011 Iowa Acts, chapter 129, section 10, unnumbered paragraph 2, is amended to read as follows:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2011, except as otherwise expressly authorized by law, and consistent with options under federal law and regulations:

..... \$ 909,993,421
903,493,421

Sec. 3. 2011 Iowa Acts, chapter 134, section 3, is amended to read as follows:

SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 41,031,283
42,292,031

* Item veto; see message at end of the Act

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 31,985,974
32,168,148

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 55,594,426
56,589,899

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,958,757
26,601,701

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,917,815
26,321,902

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,316,466
9,403,464

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 24,482,356
24,669,743

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 15,615,374
15,832,339

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,062,235
29,259,196

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 775,092
1,075,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 239,411
484,411

l. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

..... \$ 157,162

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

DEPARTMENT OF CORRECTIONS — ADMINISTRATION

Sec. 4. 2011 Iowa Acts, chapter 134, section 4, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

.....	\$	4,835,542
		<u>5,181,582</u>

JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

Sec. 5. 2011 Iowa Acts, chapter 134, section 5, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:	\$	12,204,948
.....		<u>12,658,088</u>
b. For the second judicial district department of correctional services:	\$	10,336,948
.....		<u>10,467,801</u>
c. For the third judicial district department of correctional services:	\$	5,599,765
.....		<u>5,952,381</u>
d. For the fourth judicial district department of correctional services:	\$	5,391,355
.....		<u>5,416,853</u>
e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:	\$	18,742,129
.....		<u>18,897,467</u>
f. For the sixth judicial district department of correctional services:	\$	13,112,563
.....		<u>13,712,506</u>
g. For the seventh judicial district department of correctional services:	\$	6,492,814
.....		<u>6,716,588</u>
h. For the eighth judicial district department of correctional services:	\$	6,879,715
.....		<u>7,372,419</u>

DIVISION II
RISK POOL FUNDING

Sec. 6. RISK POOL APPLICATIONS FOR FISCAL YEAR 2011-2012.

1. For the purposes of this section, unless the context otherwise requires:

- a. "County management plan" means the county management plan for the county's mental health, mental retardation, and developmental disabilities services system implemented in accordance with section 331.439 and in effect as of July 1, 2011.
- b. "Department" means the department of human services.
- c. "Risk pool board" means the risk pool board created in section 426B.5.
- d. "Services fund" means the county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A.

2. All moneys remaining following the distributions made pursuant to 2011 Iowa Acts, chapter 129, section 43, shall be credited to and remain in the risk pool created in the property tax relief fund pursuant to section 426B.5 for expenditure as provided by law. Notwithstanding section 426B.5, subsection 2, paragraph "d", and 2011 Iowa Acts, chapter 129, section 43, subsection 2, paragraph "c", a county may apply to the risk pool board for assistance from the risk pool for the fiscal year beginning July 1, 2011, in accordance with this section.

3. a. A county with individuals on a waiting list, as of the effective date of this section, for services covered under the county's county management plan is eligible to apply for a distribution of assistance under this section.

b. In addition, a county may apply for assistance to cover the nonfederal share of medical assistance waiver costs chargeable to the county for the fiscal year of individuals who became eligible for the medical assistance program home and community-based waiver for persons with an intellectual disability on or after October 1, 2011.

4. All of the following provisions shall apply to a funding distribution under this section:

a. A county's application for the funding distribution must be received by the department within 10 calendar days of the enactment date of this section.

b. The county's application shall provide all of the following information:

(1) A declaration that the county cannot provide services in accordance with the county's management plan and remain in compliance with the 99 percent budgeting requirement in section 331.439, subsection 5, resulting in the creation of a waiting list or the need for the funding requested.

(2) An accounting of the individuals to be removed from the county's waiting list or to have services funded with risk pool moneys as a result of the funding applied for under this subsection, along with the following information in a format specified by the department:

(a) Each individual's unique client identifier established pursuant to section 225C.6A, subsection 3.

(b) The date the individual was originally placed on the county waiting list, removed from the state waiting list, or would be subject to a service reduction or elimination without the risk pool funding requested.

(c) The services needed by the individual.

(d) The projected cost for each service needed for that individual for the period beginning on the date the individual is removed from the county or state waiting list, or the date of receipt of the risk pool funding requested, through June 30, 2012.

(e) The total cost for all of the services for each individual for the fiscal year.

c. The application shall be accompanied by a signed statement by the county's board of supervisors certifying that the individuals for whom funding is provided under this subsection will not, through June 30, 2012, be placed by the county on a waiting list for services.

d. Funding shall be distributed in the following priority order:

(1) For counties with individuals on a waiting list as described in subsection 3, paragraph "a".

(2) If funding remains after meeting the need described in subparagraph (1), for counties applying for assistance to cover the nonfederal share of medical assistance costs for individuals who became eligible for the medical assistance program home and community-based waiver for persons with an intellectual disability on or after October 1, 2011, as described in subsection 3, paragraph "b".

e. The risk pool board may accept or reject an application for assistance in whole or in part if the board determines the application does not meet the intent of this section or a requirement of this section and, subject to the priority order specified in paragraph "d", may prorate distribution of funding as necessary to conform to the amount available for distribution. The decision of the risk pool board is final. The risk pool board shall issue a funding decision within 15 working days of the final receipt date for applications.

f. The funding addressed by this section shall be distributed within 15 working days of the date the risk pool board's funding decision is issued.

5. If moneys from a distribution made under this section are not expended by a county by November 1, 2012, for services provided prior to July 1, 2012, the county shall reimburse the unexpended moneys to the department by November 30, 2012, and the moneys reimbursed shall be credited to the risk pool in the property tax relief fund.

6. The risk pool board shall submit a report to the governor and general assembly on or before December 31, 2012, regarding the expenditure of funds distributed under this section. ¹

¹ See chapter 1133, §67 herein

DIVISION III
MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES
SERVICES PROPERTY TAX RELIEF AND SERVICE MANAGEMENT PLANS

Sec. 7. PROPERTY TAX RELIEF — FY 2012-2013. There is appropriated from the Iowa economic emergency fund to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, notwithstanding section 8.55, subsection 1, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the property tax relief fund to be used to restore the amount of the standing appropriation made from the general fund of the state in section 426B.1, subsection 1, for the fiscal year beginning July 1, 2012, in the amount of the reduction applied pursuant to 2011 Iowa Acts, chapter 129, section 154:

..... \$ 7,200,089²

Sec. 8. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES MANAGEMENT PLAN — STRATEGIC PLAN. Notwithstanding section 331.439, subsection 1, paragraph “b”, subparagraph (3), counties are not required to submit a three-year strategic plan by April 1, 2012, to the department of human services. A county’s strategic plan in effect as of the effective date of this section shall remain in effect, subject to modification as necessary to conform with statutory changes affecting the plan.

DIVISION IV
EFFECTIVE DATE

Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 2, 2012, with exception noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. President:

I hereby transmit Senate File 2071, an Act relating to and making supplemental appropriations for fiscal year beginning July 1, 2011, and including effective dates.

Senate File 2071 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 1 in its entirety. This item reduces fiscal year 2012 state appropriations for utility expenses in most departments of state government by \$1,000,000. This reduction is not currently necessary as our budgeting practices have restored predictability and stability to the state budget.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2071 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

² See chapter 1133, §68, 71 herein